

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DOUG COOK, JODY EBERHART  
BARBARA SWILLEY, MATTHEW  
DOVNER, and CODY MAYFIELD**

Plaintiffs,

V.

# GENERAL NUTRITION CORPORATION

Defendant.

No. 2:17-cv-00135-NBF

## NOTICE OF APPEAL

Notice is hereby given that Doug Cook, Jody Eberhart, Barbara Swilley, Matthew Dovner, and Cody Mayfield, plaintiffs in the above-captioned action, hereby appeal to the United States Court of Appeals for the Third Circuit from the final order entered in this action on September 29, 2017, granting defendant's Motion to Dismiss and dismissing plaintiffs' First Amended Complaint with prejudice and denying plaintiff Swilley's Motion for Reconsideration.

**/s/ David A. Borkovic**

David A. Borkovic

Pa. I.D. No. 23005

## Of Counsel

Jones, Gregg, Creehan & Gerace, LLP

411 Seventh Ave, Suite 1200

Pittsburgh, PA 15219

(412) 261-6400

dab@jgcg.com

David M. Cohen

Complex Law Group, LLC

40 Powder Springs Street

Marietta, GA 30064

(770) 200-3100

*Counsel for plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was served this 6<sup>th</sup> day of October, 2017, upon all counsel of record through the Court's electronic filing system to:

Sean M. Sullivan, Esquire  
[seansullivan@dwt.com](mailto:seansullivan@dwt.com)

Zana Z. Bugaighis, Esquire  
[zanabugaighs@dwt.com](mailto:zanabugaighs@dwt.com)

Jordan Clark, Esquire  
[jordanclark@dwt.com](mailto:jordanclark@dwt.com)

/s/ David A. Borkovic  
David A. Borkovic, Esquire